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DECLARATION OF DILIGENT SEARCH

Guardianship: Dispensing with Notice to a Missing Relative

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at saclaw.org/diligentsearch

BACKGROUND

If you do not know the name or address of a person you need to serve or cannot locate the person, Sacramento County Superior Court requires that you complete and file a *Declaration of Diligent Search* (PR/E-LP-010) for each person you cannot locate. You must complete each section of the form, describing the efforts you made to identify and/or locate the person. Failure to complete the entire form can result in your guardianship hearing being continued or even dropped by the court.

STEP-BY-STEP INSTRUCTIONS

Step 1: Complete the Required Forms

The Judicial Council and local Sacramento County forms commonly used in this procedure are:

- [Declaration of Diligent Search and Request to Dispense With Notice](#) (Local Form PR/E-LP-010)
- [Attachment to Judicial Council Form](#) (MC-025)

Sample filled-in forms with instructions are available at the end of this Guide.

Step 2: Copying and Assembling

Make two copies of your *Declaration of Diligent Search* and any attachments. In the Sacramento County Superior Court, because documents are scanned into a computer, the original document is left unstapled, while each copy is stapled.

Step 3: File Your Documents

Your *Declaration of Diligent Search* form must be filed at Probate Front Counter in Room 214 at the William R. Ridgeway Family Relations Courthouse. The Court will keep the original and one copy and

You may also need....

- [Finding People and Businesses](#)
- [Clearing Probate Calendar Notes for Guardianships or Conservatorships](#)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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return one stamped “Endorsed/Filed” to you. Bring the endorsed copy to all of your Court hearings. There is no fee for filing your *Declaration of Diligent Search* form. Your request should be filed at least five days before your hearing to allow the court time to review your request prior to your hearing.

If the court is satisfied that you have taken all the reasonably necessary steps to locate the missing relative, the court may issue an order at the hearing to excuse notice to that relative.

FOR HELP

Sacramento County Public Law Library Civil Self Help Center

609 9th Street, Sacramento 95814

saclaw.org/self-help/civil-self-help-center/

Services Provided: The Sacramento County Public Law Library Civil Self Help Center provides general information and basic assistance to self-represented litigants on a variety of civil legal issues. Appointments will be made beginning at 8:30 a.m. Patrons who are present at 8:30 a.m. will be entered into a random drawing to determine the order their case will be evaluated. If an appointment is appropriate, it will be made for later in the day. You are encouraged to arrive by 8:25 a.m. to participate in the appointment setting drawing.

Eligibility: Must be a Sacramento County resident or have a [qualifying](#) case in the Sacramento County Superior Court.

FOR MORE INFORMATION

At the Law Library:

The Guardianship Book for California: [KFC 134 .B76](#)

Electronic Access: From any computer (Library or home) via the Legal Information Reference Center. Instructions are available on our website at saclaw.org/nolo-ebooks.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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ATTACHMENTS: FORMS AND INSTRUCTIONS

The Judicial Council and local Sacramento County forms commonly used in this procedure are:

- [Declaration of Diligent Search and Request to Dispense With Notice](#) (Local Form PR/E-LP-010)
- [Attachment to Judicial Council Form](#) (MC-025)

Download the blank forms from the links above or from www.saccourt.ca.gov/forms/docs/pr-010.pdf and www.courts.ca.gov/documents/mc025.pdf respectively.

Sample filled-in forms with instructions are available at the end of this Guide.

Instructions/General Tips:

Use a different copy of the form for each relative

The form can only be used to describe the efforts to locate one person. If you have more than one person you cannot locate, you will need to complete a *Declaration of Diligent Search and Request to Dispense with Notice* for each.

Use complete sentences when reporting results

The purpose of this form is to convince the court that you have done everything reasonably possible to locate a person, and describes the minimum of steps that you should go through to try to locate a person. Explaining this effectively typically takes several sentences. If you require more space, you may attach an additional page as an attachment to any paragraph.

Do not use "N/A"

N/A means "not applicable." When completing the declaration of diligent search, all of the sections are applicable. Instead, use the words "unknown" or "none," and a full sentence explaining your response to show that you have followed the step and did not skip the section.

Seeking an unknown relative

It is possible that you do not know the name of a relative, but that such a relative almost certainly exists, such as a biological father who does not appear on the birth certificate, and whose identity was never disclosed. Where their name is requested on the form, simply write "unknown" followed by their relationship, for example "Unknown father."

Paragraph Specific Tips:

Relatives.

Contact any relative of the person that you are attempting to locate, to see if that person has information about where to find the person you are attempting to find. Be sure to write down details such as the name and contact information for the person you speak to, and take notes as to what is said.

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Friends and Acquaintances

It is often difficult to locate any friends or acquaintances unless you are already familiar with the person you are seeking. When speaking to relatives, be sure to ask if the relative knows of any friends the person you are seeking might have. In addition to identifying the relative by name, address, and phone number, describe clearly what you have learned. If it was impossible to locate any friends or acquaintances, list the steps you took attempting to locate them.

Employers/Former Employers

Identify any employers you contacted for the person, by name, address, phone number, and date of contact. Employers are frequently unknown. If you do not know of any employer or former employer, be sure to ask any family, friends, or acquaintances if they have any idea where the person you are seeking works, or has worked in the recent past. If you cannot identify any employers or former employers indicate "None," and describe the steps you took attempting to locate an employer.

Telephone Directory and Directory Service

Occasionally the relative you are seeking has a published telephone number and/or address. Check the telephone directory (White Pages) for any city you believe the relative might live. Also, call directory information to see if the information operator has a current address or telephone number. Identify the locations of the directory or directories you have searched, and the date(s) of your search(s). Attempt to contact any listing that might potentially be the relative you are seeking, and describe your results.

Search the County Recorder's Records

The County Recorder records the transfer of land as well as a number of types of liens, such as abstracts of judgments, for their county. Many counties have their index available online, although they are not able to show you the recorded documents online. Search the index for any county where the person you are seeking might reside. The Sacramento County Clerk Recorder's document index may be searched online at <http://www.ccr.saccounty.net/DocumentRecording/Pages/Index.aspx>. When searching the index, the documents that may help you locate a relative are typically "grant deeds," "quitclaim deeds" and "judgments," as these documents are likely to have a last known address. Deeds of Trust are recorded to identify the person authorized to foreclose in the event of a default in a mortgage, and utility liens are likely to have too many addresses listed to be useful.

Internet Search

Search the Internet for the person you are seeking. Use any free tools at your disposal. The court does not expect you to purchase a subscription service or pay for a search. Use each of the major search engines, including Google and Bing. Search for social media profiles on popular services such as Facebook, Twitter, LinkedIn, and any other site you can think of. Identify the services, and describe your results.

Inmate Search

Most counties have a way to search their jail index online to see if someone is an inmate at their jail, while the California Department of Corrections and Rehabilitation maintains an inmate locator service, which can be accessed easily online. Check any county where the person you are seeking might be, and check to see if he or she is in state prison. Indicate the date of the search, and describe your

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results. The Sacramento County jail roster is available at www.sacsheriff.com/inmate_information/. State prison information may be searched at inmatelocator.cdcr.ca.gov. If you locate the person you are seeking in jail or prison, they will be very easy to have served.

Other Information:

Describe any other ways that you attempted to locate the person you are seeking, and any other information that you know which may assist the court in determining that the person you are seeking to find cannot be reasonably located.

Don't forget to date, print your name, and sign the form. By signing, you are declaring under penalty of perjury that your statements on the form are true and correct.

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ATTOENEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Jane Sample
123 ABC Street
Sacramento, CA 95835
TELEPHONE NO.: **916.555.5555** FAX NO.:

ATTOENEY FOR (Name): **In Pro Per**

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO
Street Address: 3341 Power Inn Road
Mailing Address: 3341 Power Inn Road
City and Zip Code: Sacramento, CA 95826
BRANCH NAME: WM RIDGEWAY FAMILY RELATIONS COURTHOUSE

GUARDIANSHIP CONSERVATORSHIP ESTATE OF:
(NAME): **Vicente Ramirez, Minor**

Case Number: **34-2015-00555555**
Hearing Date:

DECLARATION OF DILIGENT SEARCH AND REQUEST TO DISPENSE WITH NOTICE

Name of the person I need to give notice to is: **Jorge Ramirez**
The last known address for this person is: **Sacramento, CA**
The approximate date when the person named above was last known to reside there was: **May 5, 2015**

Guardianship only: The relationship between this person and the child(ren) in this case is: **Biological Father**
 Conservatorship only: The relationship between this person and the conservatee is:
 Estate only: The relationship between this person and the decedent is:

My attempts to locate include the following:

I contacted the following relatives of the person named above:

Maria Ramirez (Mother) Name and Relationship to Person Named Above	1234 Tree Avenue, Sacramento, CA 95835 Address and Telephone Number
Name and Relationship to Person Named Above	Address and Telephone Number
Name and Relationship to Person Named Above	Address and Telephone Number

Results of interview and additional information received:
Maria Ramirez has not had any contact with her son, Jorge Ramirez since May of 2015. His whereabouts are unknown at this time. She suggested that I might contact his friend, Alejandro

I contacted the following friends and acquaintances of the person named above:

Alejandro Benigno (Friend) Name and Relationship to Person Named Above	4321 Fruit Street, Sacramento, CA 95835 Address and Telephone Number
Name and Relationship to Person Named Above	Address and Telephone Number
Name and Relationship to Person Named Above	Address and Telephone Number

Results of interview and additional information received:
Alejandro has not seen Jorge since he lived in Sacramento in May of 2015. He said at that time, Jorge was having some problems with drugs, and was evicted from his home. He thinks Jorge is homeless.

I contacted the following employers of the person named above:

Sue Manager Name and Title	Jack in the Box 1212 Taco Blvd, Sacramento, CA 95822 (916) 888-88 Business Name, Address and Telephone Number	4/1/2015 Dates of Employment
Name and Title	Business Name, Address and Telephone Number	Dates of Employment

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Complete the caption with your name, address, and telephone number ("In Pro Per" means you are representing yourself). Complete the court information and case number and hearing date and the name of the minor(s), where indicated.

Check the two guardianship boxes.

Write the name of the person you couldn't notify, their last known address, and the date they lived at that address. If you do not know, write "unknown."

Describe how the person is related to the minor.

In item 1, identify any relatives of the person you are trying to find that you spoke to during your search. In item 2, identify any friends or acquaintances of the person you are seeking that you spoke to during your search. In item 3, identify any employers of the person you are seeking that you spoke to, and the date employment.

Describe what you learned from the interview(s).

https://www.saccourt.ca.gov/forms/docs/pr-010.pdf

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Case Name: Vicente Ramirez, Minor Case Number: 34-2015-005555

Results of interview and additional information received:
Sue Manager stated that Jorge Ramirez was no longer an employee at Jack in the Box since April of 2015 and does not know his whereabouts.

4. I reviewed the city telephone directories of **Sacramento, CA** and contacted directory assistance on **11/3/2015**
 Results/additional information received:
13 listings for Jorge Ramirez in the Sacramento area. I called each. Four numbers were [redacted], the remaining nine numbers were not the Jorge Ramirez I was looking for.

I searched several real and personal property indexes in the Recorder's and Assessor's Offices of **[redacted] County** on **11/2/2015**
 Results/additional information received:
23 deeds and 2 judgments. When I looked at the documents, none of the deeds were [redacted] with the fact that he is not believed to own a home). The two judgments were his [redacted] old address.

I conducted an Internet search on **Facebook, Google, LinkedIn** in **[redacted]** on **10/25/2015**
 Results/additional information received:
no new information regarding his whereabouts. I discovered he has a Facebook account, but no employer is listed. Additionally, there were no public updates since February 2015. I have sent a message to that account but have so far received no response.

7. I contacted the applicable criminal justice agency (such as California Department of Corrections Locator Service at (916) 445-6713), on **11/3/2015**
 Results/additional information received:
Jorge Ramirez is not in County Jail or Prison at this time. His whereabouts are unknown.

8. Other relevant information:
On 11/5 I drove to Downtown, Sacramento to see if I could find Jorge Ramirez and was unable to find him anywhere. I also asked at several homeless shelters if they had seen him. Most of the shelters said they haven't seen him in about three months, when he was banned due to [redacted].

In my diligent efforts, I have not been able to find **Jorge Ramirez** and therefore ask the court to dispense with notice to **Jorge Ramirez** under penalty of perjury, under the laws of the State of California, the foregoing is true and correct.

Dated: **11/4/2015**
 Signature: *Jane Sample*
 Print Name: **Jane Sample**

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Describe what you learned from that employer/former employer.

Search the phone directory for the person you are seeking, and call directory assistance. Identify the city of the directory, the date of your search, and what you learned.

Search the clerk recorder's records for any county the person might live. Describe your search and what you learned.

Search on search engines and social media for the person. Describe your searches, and what you learned.

Check any applicable inmate locator services (see note 7), and note the date of search and write your results.

Provide any additional information that will help the judge understand why you cannot locate the person you are seeking.

Write the name of the person you are seeking to locate in the two appropriate spots, date, print your name, and sign to declare under penalty of perjury that what you stated is true.

<https://www.saccourt.ca.gov/forms/docs/pr-010.pdf>